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09/910,510	07/19/2001	Michael L. Obradovich	56023/DMC/C685	9704
56317 7590 03/26/2008 CHRISTIE PARKER & HALE, LLP P.O. BOX 7068 PASADENA, CA 91109-7066				
EXAMINER				
BAYARD, DIJENANE M				
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2141				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/910,510

Applicant(s)

OBRADOVICH ET AL.

Examiner

DJENANE M. BAYARD

Art Unit

2141

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 26-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 26-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to communication filed on 2/12/08 in which claims 1-5 and 26-100 are pending.

Response to Arguments

2. Applicant's arguments have been fully considered but they are not persuasive. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

As per claims 1 and 33, contrary to Applicant's argument, Arlein et al teaches wherein: collecting requested information from one or more sources based on the received data". Furthermore Arlein et al teaches wherein data indicative of a selected one of the profiles (See page 4, paragraph [0044]). Arlein fails to teach wherein the data indicative is of a location of the communication device determined by the communication device. The prior art of Alumbaugh was used to teach a directory function within the travel guide device of the present invention. The travel guide device database may include a directory of locations (including GPS coordinates) for a number of places such as: hotels and other places of lodging; restaurants and other places to eat; points of interest; medical facilities, pharmacies, and the like; and other subscribing locations. The directory entry may include enterprise names, addresses and

telephone numbers, World Wide Web and/or e-mail addresses, GPS coordinates, and brief descriptions. The directory may be maintained manually and/or updated automatically over the communications facilities of the travel guide device. For example, cellular communications service providers within a given area may automatically establish a communications link to the travel guide device as it enters a defined service area and transmit a local directory to the travel guide device. (See col. 10, lines 15-40).

As per claims 48, 60, 72, 79 86 and 94, Applicant argues that Arlein in view of Alumbaugh fails to teach "information concerning at least first product or service in accordance with the selected profile, wherein the first product or service provider and at least a second product or service provider are selected in a vicinity of the location of the communication device. However, Alumbaugh clearly teaches wherein a directory function within the travel guide device of the present invention. The travel guide device database may include a directory of locations (including GPS coordinates) for a number of places such as: hotels and other places of lodging; restaurants and other places to eat; points of interest; medical facilities, pharmacies, and the like; and other subscribing locations. The directory entry may include enterprise names, addresses and telephone numbers, World Wide Web and/or e-mail addresses, GPS coordinates, and brief descriptions. The directory may be maintained manually and/or updated automatically over the communications facilities of the travel guide device. For example, cellular communications service providers within a given area may automatically establish a communications link to the travel guide device as it enters a defined service area and transmit a local directory to the travel guide device (See col. 10, lines 15-40).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5 and 26-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0133500 to Arlein et al in view of U.S. Patent No. 6,266614 to Alumbaugh.

a. As per claims 1 and 33, Arlein et al teaches a method for use in a server serving a user of a communication device, the method comprising: maintaining a plurality of profiles of the user (See page 3, paragraph [0029]); receiving, through a communication network a request for information concerning one or more product or service providers, (See page 3, paragraph [0032], page 4, paragraph [0044]); collecting requested information from one or more sources

based on the received data; and providing the requested information to the communication device (See page 3, paragraph [0029] and page 4, paragraph [0039]). Furthermore, Arlein et al teaches receiving data indicative of a selected one of the profiles (See page 4, paragraph [0044]). However, Arlein et al fails to teach receiving data indicative of a location of the communication device determined by the communication device; the requested information including information concerning at least one product or service provider, selected in a vicinity of the location communication device in accordance with the selected profile; and providing data for the communication device to indicate to the user a location of the at least one resource relative to the location of the communication device.

Alumbaugh teaches a travel guide that includes a GPS receiver for determining a present location. Furthermore, Alumbaugh teaches receiving data indicative of a location of the communication device determined by the communication device (See col. 10, lines 15-30); the requested information including information concerning at least one product or service provider, selected in a vicinity of the location communication device in accordance with the selected profile (See Col. 10, lines 15-40); and providing data for the communication device to indicate to the user a location of the at least one resource relative to the location of the communication device (See col. 10, lines 15-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Arlein et al and the system which utilizes the GPS coordinates of a present location to coordinate the provision of entertainment information (See col. 1, lines 37-39) taught by Alumbaugh to achieve the predictable result of providing requested information to the communication device wherein the requested information including

information concerning at least one product or service provider selected in a vicinity of the location of the communication device in accordance with a selected profile.

b. As per claims 2 and 34, Arlein et al in view of Alumbaugh teaches the claimed invention as described above. Furthermore, Arlein et al teaches wherein the profiles include a personal profile (See page 3, paragraph [0032]).

c. As per claims 3 and 35, Arlein et al in view of Alumbaugh teaches the claimed invention as described above. Furthermore, Arlein et al teaches wherein the profiles include a business profile (See page 3, paragraph [0032]).

d. As per claims 4 and 36, Arlein et al in view of Alumbaugh teaches the claimed invention as described above. Furthermore, Arlein et al teaches wherein the profiles include a vacation profile (See page 3, paragraph [0032]).

e. As per claims 5 and 37, Arlein et al in view of Alumbaugh teaches the claimed invention as described above. Furthermore, Arlein et al teaches wherein the one or more sources are connected to the Internet (See page 1, paragraph [0003]).

f. As per claims 26 and 38, Arlein et al in view of Alumbaugh teaches the claimed invention as described above. Furthermore, Arlein et al teaches wherein the personal profile

includes a medical record, at least part of the collected information comprising personal medical information being stored in the medical record (See page 3, paragraph [0032]).

g. As per claims 27 and 39, Arlein et al in view of Alumbaugh teaches the claimed invention as described above. Furthermore, Arlein et al teaches wherein one of the profiles includes a financial record, at least part of the collected information comprising financial information being stored in the financial record (See page 3, paragraph [0032]).

h. As per claim 28 and 40, Arlein et al in view of Alumbaugh teaches the claimed invention as described above. Furthermore, Arlein et al teaches wherein the collected information is stored for the user based on a location of the at least one product or service provider (See page 5, paragraphs [0047-049]).

i. As per claim 29 and 41, Arlein et al in view of Alumbaugh teaches the claimed invention as described above. Furthermore, Arlein et al teaches wherein the collected information is stored in the profile based on one or more types of product or service provided by the at least one resource (See page 5, paragraph [0047-0049]).

j. As per claims 30-31 and 42-43, Arlein et al in view of Alumbaugh teaches the claimed invention as described above. Furthermore, Arlein et al teaches wherein one of the types of product or service concerns entertainment, restaurants and/or current events (See page 3, paragraph [0032]) and figure 7).

k. As per claims 32 and 44, Arlein et al in view of Alumbaugh teaches the claimed invention as described above. However, Arlein et al fails to teach wherein location of the communication device is indicated by GPS data.

Alumbaugh et al teaches wherein location of the communication device is indicated by GPS data (See col. 2, lines 25-46).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Alumbaugh in the claimed invention of Arlein et al in order to provide a system which utilizes the GPS coordinates of a present location to coordinate the provision of entertainment information (See col. 1, lines 37-39).

l. As per claim 45, Arlein et al in view of Alumbaugh teaches the claimed invention as described above. However, Arlein et al fails to teaches planning a route to the at least one product or service provider

Alumbaugh teaches planning a route to the at least one product or service provider (See col. 5, lines 19-25).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Alumbaugh in the claimed invention of Arlein et al in order to provide a system which utilizes the GPS coordinates of a present location to coordinate the provision of entertainment information (See col. 1, lines 37-39).

m. As per claims 46 and 47, Arlein et al in view of Alumbaugh teaches the claimed invention as described above. However, Arlein et al fails to teach wherein one of the types of product or service concerns gas stations.

Alumbaugh teaches wherein one of the types of product or service concerns gas stations (See col. 10, line 39).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Alumbaugh in the claimed invention of Arlein et al in order to provide a system which utilizes the GPS coordinates of a present location to coordinate the provision of entertainment information (See col. 1, lines 37-39).

n. As per claims 48 and 60, Arlein et al teaches a method for use in a server serving a user of a communication device, the method comprising: maintaining a plurality of profiles of the user (See page 3, paragraph [0029]); receiving, through a communications network, a request for information concerning one or more product or service providers (See page 3, paragraph [0032] and page 4, paragraph [0044]), collecting requested information from one or more sources based on the data; providing the requested information to the communication device (See page 3, paragraph [0029] and page 4, paragraph [0049]). Furthermore, Arlein et al teaches receiving data indicative of a selected one of the profiles (See page 4, paragraph [0044]). However, Arlein et al fails to teach data indicative of a location of the communication device determined by the communication device; the requested information including information concerning at least a first product or service provider in accordance with the selected profile, wherein the first product or service provider and at least a second product or service provider are selected in a vicinity of

the location of the communication device; and providing data for the communication device to indicate to the user that the first product or service provider satisfies the selected profile and the second product or service provider does not satisfy the selected profile.

Alumbaugh et al teaches data indicative of a location of the communication device determined by the communication device; the requested information including information concerning at least a first product or service provider in accordance with the selected profile, wherein the first product or service provider and at least a second product or service provider are selected in a vicinity of the location of the communication device; and providing data for the communication device to indicate to the user that the first product or service provider satisfies the selected profile and the second product or service provider does not satisfy the selected profile (See col. 10, lines 15-40).

o. As per claims 49-59 and 61-71, see claims 2-5, 26-32 and 45-46 above.

p. As per claim 72, Arlein et al teaches a method for use in a server serving a user of a communication device, the method comprising: receiving, through a communications network, a request for information concerning one or more product or service providers satisfying at least one user criterion (See page 3, paragraph [0029]), collecting requested information from one or more sources based on the received data; and providing the requested information to the communication device (See page 3, paragraph [0029] and page 4, paragraph [0032-0039]). Furthermore, Arlein et al teaches receiving data indicative of a selected one of the profiles (See page 4, paragraph [0044]). However, Arlein et al fails to teach data indicative of a location of the

communication device determined by the communication device; the requested information including selected information concerning a plurality of product or service providers satisfying the at least one user criterion, and respective directions and distances thereof from the location of the communication device, the selected information being formatted for the communication device to show the plurality of product or service providers on a list, wherein the list of product or service providers being sortable on their direction and distance from the location of the communication device.

Alumbaugh et al teaches data indicative of a location of the communication device determined by the communication device; the requested information including selected information concerning a plurality of product or service providers satisfying the at least one user criterion, and respective directions and distances thereof from the location of the communication device, the selected information being formatted for the communication device to show the plurality of product or service providers on a list, wherein the list of product or service providers is sortable on their direction and distance from the location of the communication device (See col. 10, lines 15-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Arlein et al and the system which utilizes the GPS coordinates of a present location to coordinate the provision of entertainment information (See col. 1, lines 37-39) taught by Alumbaugh to achieve the predictable result of providing requested information to the communication device wherein the requested information including information concerning at least one product or service provider selected in a vicinity of the location of the communication device in accordance with a selected profile.

- q. As per claims 73-78, see claims 2-5, 26-32 and 45-46
- r. As per claim 79, Arlein et al teaches a system for serving a user of a communication device, the system comprising: an interface for receiving, through a communications network, a request for information concerning one or more product or service providers satisfying at least one user criterion (See page 3, paragraph [0029]) and an output element for providing the requested information to the communication device, the requested information including selected information concerning a plurality of product or service providers satisfying the at least one user criterion (See page 3, paragraph [0029] and page 4, paragraph [0032-0039]). Furthermore, Arlein et al teaches receiving data indicative of a selected one of the profiles (See page 4, paragraph [0044]). However, Arlein et al fails to teach and data indicative of a location of the communication device determined by the communication device; a processing unit configured to collect requested information from one or more sources based on the received data; and respective directions and distances thereof from the location of the communication device, the selected information being formatted for the communication device to show the plurality of product or service providers on a list, wherein the list of product or service providers being storable on their direction and distance from the location of the communication device (See col. 10, lines 15-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Arlein et al and the system which utilizes the GPS coordinates of a present location to coordinate the provision of entertainment information (See

col. 1, lines 37-39) taught by Alumbaugh to achieve the predictable result of providing requested information to the communication device wherein the requested information including information concerning at least one product or service provider selected in a vicinity of the location of the communication device in accordance with a selected profile.

s. As per claims 80-85, see claims 2-5, 26-32 and 45-46.

t. As per claims 86 and 94, Arlein et al teaches a method for use in a server serving a user of a communication device, the method comprising: receiving, through a communications network, a request for information concerning one or more product or service providers satisfying at least one user criterion (See page 3, paragraph [0029]) and collecting requested information from one or more sources based on the received data; and providing the requested information to the communication device (See page 3, paragraph [0029] and page 4, paragraph [0032-0039]). Furthermore, Arlein et al teaches receiving data indicative of a selected one of the profiles (See page 4, paragraph [0044]). However, Arlein et al fails to teach data indicative of a location of the communication device determined by the communication device; the requested information including information concerning at least one product or service provider, and an operating status thereof, the at least one product or service provider being selected in a vicinity of the location of the communication device and in accordance with the at least one user criterion, wherein the operating status indicates whether the at least one product or service provider is open for business (See col. 10, lines 15-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Arlein et al and the system which utilizes the GPS coordinates of a present location to coordinate the provision of entertainment information (See col. 1, lines 37-39) taught by Alumbaugh to achieve the predictable result of providing requested information to the communication device wherein the requested information including information concerning at least one product or service provider selected in a vicinity of the location of the communication device in accordance with a selected profile.

u. As per claim 87-93 and 95-100, see claims 2-5, 26-32 and 45-46 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

Patent Examiner

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144

Application Number**Application/Control No.**

09/910,510

Examiner

DJENANE M. BAYARD

**Applicant(s)/Patent under
Reexamination**

OBRADOVICH ET AL.

Art Unit

2141